Conference on Disarmament

English

Final record of the one thousand three hundred and thirty-second plenary meeting
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President: Mr. Jorge Lomónaco ..... (Mexico)

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The President: I call to order the 1332nd plenary meeting of the Conference on Disarmament.

As I informed you yesterday, this morning we will focus on deliberations on specific issues, contributions and exchanges of views on how to advance on any of the items on the agenda adopted by the Conference on 20 January in document CD/2008. The objective of this plenary meeting is to give member and observer States an opportunity to speak about issues that might contribute to the beginning of negotiations on any of the substantive items on the Conference's agenda.

Before we do so, let us first examine the list of requests from States not members of the Conference to participate in our work during the 2015 session. If approved, they should be able to sit in the room already this morning. I will ask the Secretary to read the name — because there is only one — of the country requesting to participate as observer.

Mr. Fung (Secretary of the Conference on Disarmament): Thank you, Mr. President. The list of non-member States that have submitted a request to participate in the work of the Conference: Thailand.

The President: I thank the secretariat. This request is now before you in document CD/WP.583/Add.2, which includes all the requests that the secretariat had received up to yesterday, 27 January 2015, at 4 p.m. Any requests from non-member States received after that date will be presented for your consideration and decision at the next plenary meeting. Are there any comments on this request? May I take it then that the Conference decides to invite this State to participate in our work in accordance with the rules of procedure?

It was so decided.

The delegation of Thailand may join us. We do not need to suspend the meeting. It is a straightforward process.

Let us now continue with business. As we did yesterday, we will allow for general statements at the end of the interactive debate, if necessary. I am not encouraging general statements but, if there is a need for general statements to be made, we will allow — after the interactive debate — time for those general statements. First, however, I have received a request from the Ambassador of Canada, who has asked to take the floor to make a farewell speech. It is not a general statement, it is not an opening statement: it is a farewell speech. Since she is very close to everybody in this room and has done a tremendous job not only as Ambassador of her country but also as Chairperson of the Group of Governmental Experts, I think she should be entitled to say goodbye before her premature departure, as she has been promoted from Geneva. Ambassador Golberg, you have the floor.

Ms. Golberg (Canada): As this is the first time I am taking the floor under your presidency, let me congratulate you, Mr. President, on your assumption of this role and assure you of my delegation's full support. In the short time you have been President, you have demonstrated the creativity and solutions-oriented approach that are the hallmarks of your approach to all issues in Geneva and which I have come to greatly admire as a friend and a colleague; and I know that these attributes will serve this chamber well. In this regard, I would like to acknowledge the ambitious programme of work you tabled yesterday. Canada has often noted the need to look carefully at how this body seeks to establish its programme of work, including examining past practices in this regard. As such, we value the "archaeology" that your delegation has undertaken. My capital continues to study your proposal closely, but we welcome the commitment that underpins it, and that is a commitment to genuinely turn this body back to its substantive work.

As I reflected on my time working in the Conference on Disarmament and decided how best to frame my departing remarks, I also reviewed the statements given by former Canadian Ambassadors and by colleagues with whom I have worked in this chamber but who have left before me. Strikingly, irrespective of geography, an overwhelming and consistent lament is the inability of the Conference to fulfil its mandated negotiating role. After three and a half years, I admit that I share this sense of frustration. However, those who have collaborated with me know that I much prefer to put my energies into what can be done, and I prefer to refrain from dwelling on the negative. As such, I will aim to avoid the pervasive cycle of pessimism that the Secretary-General so accurately identified in his address to this Conference last year. Instead, I would like to humbly offer my own suggestions on how this Conference might find its way back to meaningful work.

The Conference on Disarmament has become a world of absolutes. This, above all, must change. We must overcome the absolute conviction that our own policy positions are sacrosanct, while those of others must be wrong or suspect of ulterior motives. This Conference is the embodiment of the trust deficit that currently exists in multilateral disarmament more broadly, and which, if it is not effectively redressed or reversed, will cause irreparable harm to our ability to find cooperative solutions to the most pressing global challenges. While there are many practical initiatives that can be taken to rebuild trust among States, the first surely is dialogue and understanding.

I have just chaired the third session of the Group of Governmental Experts on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The difference between what happens in this room and what happens in the Group could not be more dramatic. In the Group, I challenged experts from 25 geographically — and, on some issues, philosophically — divergent States to be open-minded, to set aside lofty political declarations and to hold a technical, fact-based discussion on the potential aspects of a future treaty where no issue would be off the table. I have been heartened that the experts have taken this to heart and that we have had a robust and interactive discussion, the breadth and depth of which has not been seen for more than 20 years.

I will not attempt to claim that this approach has allowed us to resolve all differences — this was never our mandated role. But what it has allowed for is genuine dialogue and the development of a greater understanding of positions. As a group, we have been able to appreciate in much greater technical detail the implications of different proposals and, in some cases, to secure common understandings. I believe this Conference could benefit greatly from adopting a similar spirit of genuine engagement and discourse.

Some will argue that the ability of the Group's experts to really talk to each other is due to the fact that they serve in an individual capacity, less bound by the constraints of national positions. While this is undoubtedly a factor, the open-ended working group established by Austria, Mexico and Norway in 2013 was also able to capture a similar spirit of genuine dialogue. So, it is not clear to me why this same spirit is not able to permeate this chamber; but, for the Conference to return to substantive work and to regain its credibility, this must change.

A second absolute that the Conference must overcome is the absolute that is implied that progress on one issue would mean abandoning or sacrificing all others. I do not believe that negotiating on any one core issue would mean that the others would fade or be any less significant. Rather, a move forward in one area could revive this body. It could push the Conference to move away from oft-repeated but increasingly vacuous policy statements to true substantive discussions on all four core issues. Such discussions could test the technical challenges or flesh out the practical

implications raised in relation to the different issues and perhaps build the political will necessary to address them.

It is no secret in this regard that Canada believes that the next negotiation on which the Conference must pursue an agenda, as part of a comprehensive and balanced programme of work, should be a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Considerable groundwork has been done, and it would make a valuable contribution to non-proliferation and to future disarmament efforts. Yet, here I would flag another absolute that we must overcome: the absolute that says that only one vision of a treaty can be negotiated. In reading the 1995 farewell statement of the indefatigable Ambassador Gerald Shannon, I was struck by his conviction that a treaty would be negotiated in the near term.

I am quite certain that Ambassador Shannon never imagined that 20 years later not only would negotiations on a treaty not yet have begun but that the agreement he secured in document CD/1299 would have taken on a status of quasi-dogma. Document CD/1299 was intended to facilitate negotiation, and I strongly believe that it remains valid in this regard. As I have noted in the past, the Shannon report and the mandate contained therein are not perfect, but they are more than sufficient to cover national interests; and efforts to reopen the mandate or to suggest that its constructive ambiguity is no longer appropriate are simply cynical political gambits to delay forward progress. An alternative is unlikely to result in anything better. The Shannon report was never intended to be used as a straitjacket to dictate the outcome of a negotiation, but nor should it be used as an excuse not to begin negotiation in the hope of securing a different dictated outcome.

It would be inappropriate for me to divulge further details of the Group's work at this stage, but I will share my personal impression that, based on the Group's work, a fissile material cut-off treaty is negotiable and that the positions of most States can in fact be bridged on many issues. But it will be a complex treaty to negotiate. Success in this regard will require compromise from both those who advocate for the inclusion of all past production (and a better understanding among them of what the implications of various approaches might be) and those that wish to see no inclusion of this material.

It is my genuine hope that in the very near term the work of the Group of Governmental Experts will stimulate concrete discussion in this body and provide useful signposts to future negotiators. What it cannot do, ultimately, is replace what is truly required: negotiations of a treaty in the Conference on Disarmament.

(*spoke in French*)

Rereading Ambassador Shannon's statement, I was struck among other things by his call for a reform of the Conference's working methods, including a rethinking of the regional group structure in the wake of the landmark events that had brought about an end to the cold war. The Conference to this day, however, continues to operate with regional groupings carried over from that period. That brings me to the last absolute that the Conference must revisit, which is the immutability of its rules of procedure. The Conference is meant to be a tool, a mechanism of our own making to facilitate negotiations on core issues linked to peace and international security. If this tool does not serve its intended purpose, then it is wholly acceptable to want to adjust and improve it in an effort to find a solution that will allow it to function efficiently again. I would go as far as to say that the Conference is suffering because some refuse to admit its shortcomings and expect illusory expressions of political will without genuinely seeking to take action or innovative steps to create the conditions necessary for this political change both inside and outside the Conference.

Canada is convinced of the potential and usefulness of the Conference and, more broadly, of the important role of the United Nations disarmament machinery. However, this conviction does not equate to offering unconditional support or solutions, nor does it mean refraining from proposing measures aimed at achieving results in the short term.

The Conference must rethink its groupings. It must also take a close look at the rotating presidency. A term of one month is not long enough for a President to conduct necessary consultations, build bridges and provide direction to the Conference. We should discuss whether it would be better to extend the presidential term or to change the selection process. We must also take a detailed look at how we have gone about trying to devise a programme of work and understand each other on this issue over the past two decades. The programme of work should contribute to a resumption of substantive discussions at the Conference, but some are using it as a way to undermine any real progress.

Once again, I commend you, Mr. President, for your efforts to address this issue specifically in the preparation of the programme of work, including by taking into account the work of the United Nations General Assembly. If a programme of work is not adopted, we will need to give thought to how we can move ahead through plenary discussions or if we should establish subsidiary bodies, including bodies entrusted with a negotiating mandate independent of a decision on a broader programme of work.

The rule of consensus should not be immutable. If we decide to maintain it, considering it as sacrosanct to the point of not being able to discuss it when considering the rules of procedure would be to ignore the fact that recourse to this rule increasingly fails to meet its original objective, to the detriment of the work of this body.

Another of my predecessors, Ambassador Christopher Westdal, said of the Conference that — and I quote — "You can lead a horse to water, but you can't make it drink." I believe, however, that this saying overlooks two key points. We have to ask ourselves whether the Conference has the means necessary to make progress and whether it still knows how to do so. I sincerely hope that at the start of the 2015 session the Conference will conduct a genuine assessment of the tools at its disposal. I also hope, dear colleagues, that you will see to it that the most fundamental principle for the smooth running of all our negotiations — namely compromise — can be applied once more. The issues that we are tasked with discussing within this forum are far too important and have consequences that are too far-reaching for humankind for us not to take action.

To conclude, Mr. President, I have been honoured to represent Canada over the past three and a half years. It has been a privilege to work with so many eminent colleagues in the field of non-proliferation and disarmament. I call on you to ensure that the work done in this forum is backed by an unwavering determination to prevent wars, which unleash untold catastrophe, to paraphrase the former Prime Minister of Canada, John George Diefenbaker. These words should weigh heavily on our conscience.

The President: I thank the Ambassador of Canada for her statement, and I am grateful for your words to me personally. In your statement you offer substantive suggestions, particularly, but not exclusively, on our methods of work and our rules of procedure. What you have put forward is serious food for thought for all of us — for all the members — and I encourage all of us to keep your words in mind for future discussions on these issues and for our overall attitude towards the Conference. Let me assure you that I am trying to make the horse drink: I am very committed to doing

that and am working really hard. I could use tequila or whisky or whatever is available. On behalf of my Government and of the Conference, I wish you all the best in your future responsibilities. We hope to see you often in Geneva or wherever our paths might take us in the future.

Four States have expressed their willingness to speak on particular topics related to items on our agenda. Our first speaker is Austria. Ambassador Alexander Kmentt, who chaired the Vienna Conference on the Humanitarian Impact of Nuclear Weapons, held on 8 and 9 December 2014, will speak about that Conference and its outcome.

Ambassador Kmentt, you have the floor.

Mr. Kmentt (Austria): Let me congratulate you, Mr. President, on assuming the presidency of the Conference on Disarmament. The Austrian delegation fully supports your efforts to find consensus on a programme of work. On a personal note, I would like to say that it is a pleasure for me to be back and speaking at the Conference again for the first time since 2004.

Austria would like to take the opportunity provided by this plenary session to inform the Conference on Disarmament about the Vienna Conference on the Humanitarian Impact of Nuclear Weapons that took place on 8 and 9 December of last year. The Chair's summary that contains the key conclusions of the Conference as well as the pledge made by Austria at its closing session have been transmitted to the secretariat to be included as official documents of the Conference on Disarmament. As we start the nineteenth session of the Conference on Disarmament since it last conducted substantive negotiations, the facts-based discussions, findings and compelling evidence of the Vienna Conference should provide impetus and focus for our deliberation here in this body. The sense of urgency that was evident in the presentations, discussions and statements in Vienna, as well as the two previous humanitarian conferences, in Oslo and Nayarit, makes the protracted inability of this Conference's member States to agree on a programme of work that would allow this forum to fulfil the mandate it has been given by the international community even more striking.

What motivated Austria to host the third humanitarian conference was its concern for the nuclear disarmament and non-proliferation regime. Among the many challenges the Conference on Disarmament faces, the credibility deficit in the nuclear disarmament field is particularly damaging. We are convinced that unless credible progress on nuclear disarmament and a move away from nuclear weapons are achieved, proliferation will be the inevitable consequence and nuclear dangers and risks will become even greater. To this end, we consider it important to counter and complement the traditional nuclear weapons discourse of security policy with a broader discussion on the consequences, risks, legality and morality of nuclear weapons. It is necessary to go beyond the arms control experts community and to open up the debate on this crucial issue to other expert constituencies, to civil society and the broader public. This is essential to reinforce the taboo against nuclear weapons. Global trends and current geopolitical developments only underscore the importance for the entire international community of focusing on nuclear disarmament and non-proliferation with an even greater sense of urgency.

We are convinced that the Vienna Conference made an important contribution to this goal. Participation in Vienna was very encouraging: 158 States, a broad spectrum of international organizations from the United Nations system, the Red Cross and Red Crescent Movement, many academics and experts, and several hundred representatives of civil society. The conference was opened by the Austrian Foreign Minister, Sebastian Kurz. The Secretary-General of the United Nations, the President of the International Committee of the Red Cross and Pope Francis addressed the Conference

through important statements and messages that clearly highlighted the humanitarian imperative. Victims of nuclear explosions gave testimonies of their harrowing experiences.

The Chair's summary, which Austria presented under its sole responsibility, contains several key conclusions that have emerged from the humanitarian initiative of the past three years and the international conferences in Oslo, Nayarit and Vienna. These are:

1. The impact of a nuclear weapon detonation, irrespective of the cause, would not be constrained by national borders and could have regional and even global consequences, causing destruction, death and displacement as well as profound and long-term damage to the environment, climate, human health and well-being, socioeconomic development and social order, and it could even threaten the survival of humankind.

2. The scope, scale and interrelationship of the humanitarian consequences caused by nuclear weapon detonations are catastrophic and more complex than commonly understood. These consequences can be large-scale and are potentially irreversible.

3. The use and testing of nuclear weapons have demonstrated their devastating immediate and mid- and long-term effects. Nuclear testing in several parts of the world has left a legacy of serious health and environmental consequences. Radioactive contamination from these tests disproportionately affects women and children; it contaminated food supplies and continues to be measurable in the atmosphere to this day.

4. As long as nuclear weapons exist, the possibility remains of a nuclear weapon explosion. Even if the probability is considered low, the catastrophic consequences of detonation of a nuclear weapon make the risk unacceptable. The risks of accidental, mistaken, unauthorized or intentional use of nuclear weapons are evident due to the vulnerability of nuclear command and control networks to human error and cyberattacks, the maintaining of nuclear arsenals on high levels of alert, and their forward deployment and modernization. These risks increase over time. The dangers of access to nuclear weapons and related materials by non-State actors, particularly terrorist groups, persist.

5. There are many circumstances in which nuclear weapons could be used, in view of international conflicts and tensions and against the background of the current security doctrines of States possessing nuclear weapons. As nuclear deterrence entails preparing for nuclear war, the risk of nuclear weapon use is real. Opportunities to reduce risk must be taken advantage of now, such as de-alerting and reducing the role of nuclear weapons in security doctrines. Limiting the role of nuclear weapons to deterrence does not remove the possibility of their use, nor does it address the risks stemming from accidental use. The only assurance against the risk of a nuclear weapon detonation is the total elimination of nuclear weapons.

6. No State or international body could address in an adequate manner the immediate humanitarian emergency or long-term consequences caused by detonation of a nuclear weapon in a populated area, or provide adequate assistance to those affected. Such capacity is unlikely ever to exist. Coordinated preparedness may nevertheless be useful in mitigating the effects, including of a terrorist event involving the explosion of an improvised nuclear device. The imperative of prevention as the only guarantee against the humanitarian consequences of nuclear weapons use was highlighted.

7. Looking at nuclear weapons from a number of different legal angles, it is clear that there is no comprehensive legal norm universally prohibiting their possession, transfer, production and use. International environmental law remains applicable in armed conflict and can pertain to nuclear weapons, although it does not specifically regulate these arms. Likewise, international health regulations would cover the effects of nuclear weapons. The new evidence that has emerged in the past two years about the humanitarian impact of nuclear weapons casts further doubt on whether these weapons could ever be used in conformity with international humanitarian law. As was the case with torture, which is a negation of humanity and is now unacceptable to all, the suffering caused by nuclear weapons use is not only a legal matter: it necessitates moral appraisal.

8. The catastrophic consequences of detonation of a nuclear weapon and the risks associated with the mere existence of these weapons raise profound ethical and moral questions on a level transcending legal discussions and interpretations.

Even though this is not a negotiated outcome, these points represent substantive and irrefutable conclusions with respect to the humanitarian consequences of nuclear weapons, the risks associated with the existence of these weapons, as well as the legal and moral dimension of this weaponry.

It is the view of Austria that these conclusions constitute a powerful set of arguments that should lead to an urgent and profound change in the nuclear weapons debate and equation on the security dimension of nuclear weapons that still prevails in States possessing nuclear weapons. Also, these conclusions demonstrate the interest and responsibility that all States have with regard to nuclear disarmament. Moreover, in light of these conclusions the arguments for the retention of nuclear weapons must be considered a high risk and, ultimately, an irresponsible gamble based on an illusion of security and safety.

Austria also issued a national pledge, which is based on the findings of the Conference and includes the following action-oriented points deriving from the humanitarian discourse that Austria commits to:

- To present the facts-based discussions, findings and compelling evidence of the Vienna Conference to all relevant forums, in particular the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and in the United Nations framework, as they should be at the centre of all deliberations, obligations and commitments with regard to nuclear disarmament,
- To call on all States parties to the NPT to identify and pursue effective measures to fill the legal gap concerning the prohibition and elimination of nuclear weapons,
- And Austria pledges to cooperate with all relevant stakeholders in efforts to stigmatize, prohibit and eliminate nuclear weapons in light of their unacceptable humanitarian consequences and associated risks.

We hope that collectively we will be able to demonstrate in the next few months that the facts and conclusions that have emerged in the past few years can be translated into concrete and credible progress on nuclear disarmament. The upcoming NPT Review Conference will be an opportunity to decide on such effective measures. We look forward to working with all interested partners to further strengthen the humanitarian imperative, to reinforce the credibility of the global nuclear disarmament and non-proliferation regime and to push for concrete progress on this issue. Preventing humanitarian consequences from happening is the raison d'être of all our work in this field and should be the issue that unites us all.

The President: I thank Ambassador Kmentt for his presentation and particularly for making the trip from Vienna just to be present at today's plenary session.

Now, this is an interactive session and I would encourage participation from all of you. I will now open the floor for members and observers to make comments or ask questions on what we have just heard from the Austrian representative. The floor is open. The Ambassador of Brazil has the floor.

Mr. Motta Pinto Coelho (Brazil): Very briefly, I just wish to thank Ambassador Kmentt for his statement and for the information he has given us on the outcome of the conference in Vienna. We participated in that conference and we feel that the results that have been highlighted by Ambassador Kmentt reflect a state of affairs that has concerned us here for a long time. It is especially timely that he has been able to stress here the elements emerging from the conference, so that we can see what kind of link we can establish as we consider our programme of work for 2015. So, besides endorsing fully, on the part of Brazil, all the results and points presented by Ambassador Kmentt, my question to you, Mr. President, is: how can we link the elements that have been put forward now to the discussion on our programme of work?

The President: I thank the Ambassador of Brazil. I am going to hold off before responding to the question to see whether there are any more requests for the floor.

As I see no further requests, I will try to respond to your question now, but I would also like, in trying to respond to your question, to add a question — in my national capacity — to Ambassador Kmentt. The question I would like to add — and I would like to see whether Ambassador Kmentt can also enlighten us on how to link the findings of the humanitarian consequences process to our programme of work — is: how has Austria devised implementation of the pledge vis-à-vis the NPT Review Conference? This is linked to your question because, the way we see it, in our national capacity, the discussions under agenda item 2 (on the programme of work) in the agenda that we approved on 20 January must take into account the findings of the humanitarian consequences process of all three conferences and, if adopted, the programme of work — and we have a mandate for negotiations on that agenda item; these findings should enrich and should be considered as one of the main elements of the discussions. In other words, as we stated in Vienna, the findings, the facts, the elements that came as a result of the three different meetings should feed a diplomatic process. What we are attempting to do here in the Conference on Disarmament, if we approve the programme of work on that agenda item, would be to start a diplomatic process and negotiation — that is, a diplomatic process. I wonder if Ambassador Kmentt could add his own thoughts to this response.

Mr. Kmentt (Austria): Thank you for the kind comments. On the Austrian pledge, I wish to say that we are engaged in an outreach activity and have instructed all our diplomatic representations to follow up in their respective host countries on this pledge. Of course, the next key opportunity to raise the humanitarian points and the conclusions and to seek answers to the important questions that have been raised will be the NPT Review Conference, so — as we said in our pledge — we are determined to take these findings to the Review Conference. We believe that there is very strong momentum and extremely broad support in the international community for these points. There are many different ways how this can best be done: that is part of the outreach process that will take place over the next few weeks and months when talking with interested partners.

On the second point, I fully agree with the point that you have made. The key aspects, the key findings that have emerged in the past few years on the humanitarian initiative should inform all our work in all forums that we are dealing with. And, of

course, it also should inform the work of the Conference on Disarmament. So, there is obvious relevance for these findings, but that is the answer that you have given, which I fully share. I do not have much to add to this.

The President: Thank you. I give the floor to Australia.

Mr. McConville (Australia): I also take this opportunity to thank our colleague Alexander Kmentt for coming across from Vienna to present this statement. I think, obviously, he is offering us quite some food for thought and it has been an issue that we have all been grappling with over the past several years.

I just want to reflect on the success of the Vienna Conference as a very broad, diverse group of States that came together, reflecting on the theme of humanitarian consequences. I think it was to the credit of the Austrian Government that the Chair's summary did reflect all the voices that were expressing themselves at that forum and — I think this is no secret — we see the humanitarian consequences discourse as a spur for us all to work towards disarmament and non-proliferation. I think it is a challenge for us in this forum, in the Conference on Disarmament, and also coming forward to New York for the NPT Review Conference to find ways to see how we can unite behind this discourse in a way that does progress us forward. So, I thank Alexander once again for his presentation and I look forward to working with him and our colleagues here to a successful outcome for both the Conference on Disarmament's programme of work but also at the NPT Review Conference.

The President: I thank the representative of Australia and now give the floor to Belarus.

Mr. Grinevich (Belarus): I would also like to thank my old colleague, Alexander Kmentt. I am really glad to see him here in this chamber as a representative of Austria and I would like to thank Alexander for his statement.

Mr. President, our delegation will of course support an early start of negotiations on a convention on nuclear weapons, as proposed in your draft programme of work yesterday. And, in the event we succeed, all proposals and reflections included in the final document of the Vienna Conference will of course be addressed.

I have a rather straightforward question for Alexander. What are the plans of Austria and your friendly nations in case there is no consensus at the NPT Review Conference regarding this issue? Are you going to arrange a new diplomatic conference, or are you going to stimulate a new, separate process supported by like-minded States and NGOs to negotiate, for example, a nuclear ban treaty, because some ideas in this field already exist?

The President: I thank the representative of Belarus. I will give the floor to India and will keep your question and get back to you through Mr. Kmentt. The Ambassador of India has the floor.

Mr. Varma (India): We would like to join others in conveying our appreciation to Ambassador Kmentt for providing a briefing, both as Chair of the Vienna Conference and in his national capacity representing Austria, on the Vienna Conference on the Humanitarian Impact of Nuclear Weapons held in December last year.

India participated in the Oslo, Nayarit and Vienna meetings. Our participation in those meetings was premised on a shared concern about the serious threat to survival of mankind that could be posed by the use of nuclear weapons. In our view, this is not a new concern. The international community has been aware of the catastrophic impact of nuclear weapons use since the dawn of the nuclear age. There is a need to strengthen the international norm of nearly 70 years of non-use of nuclear weapons. It

has been the view of India that we need to progressively reduce nuclear dangers while addressing risks of nuclear proliferation and nuclear terrorism. Our objective should be to generate support for policy and legal measures for increased restraints on the use of nuclear weapons in a step-by-step manner. The forum for taking this forward, of course, in our view, is the Conference on Disarmament, which is the world's sole multilateral disarmament negotiating forum. Unfortunately, this forum has not had the opportunity to negotiate instruments that have been proposed over the years, including the proposal by India last adopted by the General Assembly in its resolution 69/69; that text proposes the negotiation in the Conference of a convention on the prohibition of use of nuclear weapons, which in our view, is intended to raise the legal barriers against the use of nuclear weapons. While we appreciate the strong support that this resolution received from a very large number of States in the General Assembly — such support has also been reflected here among the membership of those States in the Conference — we find it difficult to understand why certain States, which are in the forefront of efforts to highlight the humanitarian impact of nuclear weapons, have found it necessary to vote against this resolution. Therefore, I have also found it necessary to not support the negotiation of such a convention in the Conference. This gap between advocacy and commitment, between word and action, in our view, should be bridged as we move along to build a genuine global movement in favour of nuclear disarmament. We hope that the Vienna Conference will foster such debate and discussion; that debate should also include the Conference on Disarmament. Reference has been made to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Of course, this issue is exclusive neither to the Conference nor to the NPT but, in our view, it is the right of every State which is a State party to the Treaty to take it forward in the forum that they wish to do so. But, the Conference on Disarmament is not a subcommittee of the NPT. Therefore, we would very much welcome a discussion on this issue, as we move forward our global efforts to rid the world of nuclear weapons in a global and non-discriminatory manner. This is not to say that we do not welcome efforts, including the very strenuous efforts put in by Austria, and Alexander Kmentt personally — and we would like to convey our appreciation, not least because he has taken the trouble to travel to Geneva to come and share with us his views, which we take with a great level of seriousness. We hope that the statement made by the Austrian delegation will be a further contribution as we take forward our programme of work during the course of the year.

The President: I thank the Ambassador of India for his statement. I take it, then, that you welcome the initiative to bring the discussion of this issue to this body.

(*spoke in Spanish*)

I now wish to give the floor to the Ambassador of Costa Rica.

Ms. Whyte (Costa Rica) (*spoke in Spanish*): Costa Rica would like to thank the Austrian delegation for its presentation on the outcomes of the Vienna Conference on the Humanitarian Impact of Nuclear Weapons, which took place on 8 and 9 December 2014. We also thank Austria for the commitment and political leadership shown in organizing this third conference.

Costa Rica, in its capacity as the President *pro tempore* of the Community of Latin American and Caribbean States (CELAC), wishes to inform the Conference on Disarmament that since 2013 CELAC has reaffirmed the need to move towards nuclear disarmament and achieve the general and complete elimination of nuclear weapons in a transparent, verifiable and irreversible manner, and it has called for progress to be made in negotiating a legally binding instrument banning nuclear weapons within a multilaterally agreed time frame. CELAC has also prioritized the humanitarian perspective in discussions, rather than the strategic or security dimension.

The third summit of the Community of Latin American and Caribbean States is currently taking place in San José, Costa Rica. We are a few hours ahead of San José, but during the course of today and tomorrow leaders will discuss a range of issues, including nuclear disarmament and the most appropriate way of advancing this agenda, taking into consideration this development and the contribution of the Vienna Conference. The declaration, which will be adopted by Heads of State and Government tomorrow, will convey a message regarding this important issue.

The President (*spoke in Spanish*): I thank the Ambassador of Costa Rica for her comments and now give the floor to the representative of Chile.

Mr. Guzmán (Chile) (*spoke in Spanish*): In connection with the statement made by the Costa Rican Ambassador and at the request of my capital, we would like to make reference to the draft declaration of CELAC that, as the Ambassador of Costa Rica said, will be adopted by Heads of State at the summit on 28 and 29 January 2015. In paragraph 14 of the draft, CELAC fully endorses and supports the pledge made by Austria. If you allow me, I would like to express my country's wholehearted support as well for the Austrian pledge announced at the end of the Vienna Conference. Furthermore, we warmly congratulate Austria, Ambassador Kmentt and his team for their courage in taking decisive action to promote and pursue the humanitarian perspective in the effort to achieve nuclear disarmament as soon as possible.

The President (*spoke in Spanish*): I thank the representative of Chile for his statement.

(*spoke in English*)

In my national capacity, I would like to thank both Costa Rica and Chile for referring to the ongoing discussions at the summit of the Community of Latin American and Caribbean States. Mexico is extremely pleased that this initiative for the whole region, that is 33 States, to endorse the Austrian pledge is moving forward and will be before our Heads of State and Government tomorrow, when this endorsement will be formally adopted. We, as Mexico, are extremely pleased that our region is the first — as a group of 33 countries — to take a collective move to endorse the Austrian pledge.

I am waiting to see whether there are more requests from the floor.

The representative of Belarus posed a question to Mr. Kmentt as to what we should do. What should or might Austria do in case there is no consensus at the NPT Review Conference? I believe that this is a question for all States parties to the Review Conference. What would be our individual positions, if there is no consensus at the Review Conference? This is probably a question that we cannot answer right now, but I think it is broader than that and it is pertinent not only to Austria but to all of us.

But that is not the subject of today's discussion, and I would like to offer the floor to Ambassador Kmentt.

Mr. Kmentt (Austria): I would like to thank all the distinguished colleagues for their very nice comments and their questions. I extend thanks particularly, of course, for the endorsement of our pledge by the Community of Latin American and Caribbean States; we are extremely grateful for that.

I would like to answer the question posed by the colleague from Belarus. Of course, I agree with your point that this is a question not for one country but for the entire membership of the Review Conference. I just wish to state very clearly that, of course, neither Austria nor, I think, any other country that is supportive, or has been supportive, of the humanitarian initiative is going to prejudge a negative outcome of

the Review Conference. Quite the contrary. We have consistently said that we think the humanitarian initiative is part of the genetic code of the NPT. It is embedded in the preamble and it is a core element. As I said in my earlier statement, it is the raison d'être of all the work that we are doing. So, we are going to take these findings to the Review Conference fully intending that at this important meeting there will be a genuine effort by everybody to give answers to these important findings and conclusions that have emerged in the past few years.

To answer partly some of the other questions: if experts tell us that the consequences of nuclear weapons are significantly greater than was commonly understood before, if experts tell us that the broad range of risks coming from the possession of nuclear weapons, stemming from the existence of nuclear weapons, are more considerable than we previously understood, if legal experts point to the legal dimension, and if the moral dimension, as was done very powerfully by Pope Francis in Vienna, is also put forward, this in our view, must mean urgent policy considerations: it leads to policy considerations and conclusions — meaning we cannot continue the way we have done before. This is how we approach the value of the humanitarian initiative: the sense of urgency based on facts, research and information is irrefutable. It may take time and it may take lots of convincing, but there has to be urgent progress in the direction of nuclear disarmament.

To the Ambassador of India, I wish to say that, as I said before, it is in our view the existence of nuclear weapons, the possession of nuclear weapons, that is the problem. So, the elimination of nuclear weapons is the key that we are aiming for. We are certainly approaching the NPT Review Conference with a mindset of trying to achieve a very strong outcome that gives answers to this important information that has come up in the course of the humanitarian initiative, which we think is the key development of this current NPT review cycle that we need to collectively take very seriously into consideration.

The President: Unless there is another request for the floor on this topic — and I see none — I would like, on behalf of the Conference on Disarmament, to thank Ambassador Kmentt for this presentation and to all those of you who participated in this discussion and for your interventions.

Let us move on to our second speaker, which is Costa Rica. Ambassador Elayne Whyte Gómez will speak on a nuclear weapons convention proposed by Costa Rica and Malaysia. Madam Ambassador, you have the floor.

Ms. Whyte (Costa Rica) (*spoke in Spanish*): The Costa Rican delegation asked to be included on the list of speakers this morning in response to your request for contributions on how to advance with the issues on the agenda adopted on 20 January 2015 and contained in document CD/2008. As you all know, in 2007 Costa Rica and Malaysia submitted to the United Nations Secretary-General and General Assembly a proposal for a model convention on nuclear weapons. With this proposal, our countries wished to contribute to the discussion on the progressive elimination of this type of weapon. We are convinced that a convention banning the development, production, testing, deployment, stockpiling, transfer and use or threat of use of nuclear weapons is required in order to rid our planet of these weapons.

As many may recall, in 2008 the United Nations Secretary-General, Ban Ki-moon, stated that this text was a good starting point from which to negotiate nuclear disarmament. For that reason, I would like, if you would allow me, to give a brief overview of the draft convention to this forum. What are the general obligations and objective of this proposal? The Model Nuclear Weapons Convention prohibits the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons and also provides that States possessing nuclear weapons must destroy their

arsenals according to a series of phases. In addition, the Convention prohibits the production of fissile material for nuclear weapons and stipulates that their delivery vehicles must be destroyed or converted for non-nuclear purposes.

The States parties to the Convention must declare all nuclear weapons, nuclear material, nuclear facilities and nuclear weapons delivery vehicles that they possess or control and their locations. To achieve these objectives, the Convention sets forth five phases for the elimination of nuclear weapons, which I will summarize. By the end of the first phase, it is expected that nuclear weapons will be taken off alert. The second phase involves removing nuclear weapons from deployment. The third phase entails removing nuclear warheads from their delivery vehicles. The fourth phase involves disabling the nuclear warheads, and the fifth phase removing and disfiguring the pits and placing the fissile material under international control.

The verification regime under the Convention primarily involves gathering, providing and verifying information related to nuclear weapons, nuclear material and nuclear installations, including through on-site inspections, preventive controls, confidence-building measures, reporting and protection systems and information-sharing with other organizations. The Convention also provides for the protection of persons who report suspected violations of its provisions, including the right of asylum. It is proposed that an international monitoring system be established under the Convention in order to gather information which, for the most part, will be made available in a registry. Information that could jeopardize commercial secrets or national security will be kept confidential.

What implementation measures are provided for at the national level? States parties are required to adopt the necessary legislative measures to fulfil their obligation under the Convention to provide for the prosecution of persons who commit any of the crimes stipulated therein and protection for persons who report violations of the Convention. States must establish a national authority to be responsible for national tasks in implementing the Convention. The Convention also sets forth the rights and obligations of persons as well as the States. Individuals have an obligation to report violations of the Convention and the right to protection if they do so. The Convention provides for procedures for the apprehension and fair trial of individuals accused of committing offences stipulated therein.

In regard to the apparatus for implementing the Convention, it is proposed to establish an agency to implement the Convention which will be responsible for verification, ensuring compliance and decision-making and will comprise a Conference of States parties, an executive council and a technical secretariat. The Convention prohibits the production of any fissionable or fusionable material which could be used to make nuclear weapons, including plutonium and highly enriched uranium. Low-enriched uranium is permitted for nuclear energy purposes.

With regard to cooperation, compliance and dispute settlement, the Convention provides for consultation, cooperation and fact-finding to clarify and resolve questions of interpretation with respect to compliance and other matters. Disputes may be referred to the International Court of Justice by mutual consent of the States parties. In addition, the agency may request an advisory opinion from the International Court of Justice on legal disputes.

The Convention provides for a series of graduated responses for non-compliance, beginning with consultation and clarification, followed by negotiation and, if required, sanctions or recourse to the United Nations General Assembly or Security Council for action.

In regard to other international treaties, it is worth mentioning that the Model Nuclear Weapons Convention builds on the existing non-proliferation and

disarmament regimes and verification and compliance arrangements, including the Non-Proliferation Treaty, the International Atomic Energy Agency safeguards, the international monitoring system of the Comprehensive Nuclear-Test-Ban Treaty Organization and bilateral agreements between the Russian Federation and the United States of America. In some cases, the Convention may add to the functions and activities of such regimes and arrangements. In other cases, the Convention would establish additional complementary arrangements, so linkages with the existing architecture are proposed.

The Convention does not prohibit the use of nuclear energy for peaceful purposes. It includes an optional protocol which would establish an energy assistance programme for States parties that decide not to develop nuclear energy or to phase out their existing nuclear energy programmes.

Mr. President, the points that I have highlighted merely provide an overview of the proposal. The delegation of Costa Rica wished to respond to your call for proposals concerning the agenda of the Conference of Disarmament by providing this summary of the Model Convention, which we feel offers a platform for exploring, developing and potentially negotiating an instrument or set of instruments aimed at the complete elimination of nuclear weapons.

Nearly 20 years ago, the International Court of Justice signalled the obligation to undertake in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. We therefore consider it necessary to discuss legally binding, verifiable and applicable instruments that will result in the prohibition and total destruction of all nuclear weapons under effective controls.

The President (*spoke in Spanish*): I thank Ambassador Whyte for her presentation.

(*spoke in English*)

As I said, this is an interactive segment and I would now like to open the floor to the members and observers for comments and questions. I give the floor to the Ambassador of Brazil.

Mr. Motta Pinto Coelho (Brazil): Just very briefly, I would also like to thank the Ambassador of Costa Rica for her presentation on this initiative. For our part, we have always supported the idea, as a priority in the Conference on Disarmament, of the discussion and consideration of a full-fledged, comprehensive convention on nuclear disarmament. The presentation of a comprehensive convention may be deemed, in a number of aspects, to be — at this point in time — not realistic. I think not: I think the opposite. I think it is realistic, and I think that we should give it our utmost, serious consideration and attention. Let me just remind ourselves of the fact that the Berlin Wall was destroyed, torn down, in one day. Nobody at that moment in time supposed that that would happen. I think, in a very optimistic way, that sometimes some great, important issues may be deemed to be too difficult or unrealistic to be dealt with. But sometimes we have to think that this is the occasion. We should always try to think along those lines.

The President: I thank the Ambassador of Brazil for his comments and, indeed, Ambassador Kmentt spoke about momentum in the earlier part of this plenary. You now have raised a point about what history has shown us repeatedly, and you gave an example showing that sometimes what is not expected or imaginable happens, and that is where history has been able to move forward by leaps rather than steps.

I now would like to give the floor to the Ambassador of India.

Mr. Varma (India): We would like to convey our appreciation to the Ambassador of Costa Rica for reminding us once again that the Costa Rica/Malaysia Model Nuclear Weapons Convention has been on the table for several years and is still an inspiration for both States and civil society on how to frame and take forward the discussions on nuclear disarmament. As far as India is concerned, we believe that the Model Nuclear Weapons Convention contains certain basic principles which we can support: it is universal; it is non-discriminatory; it needs to be verified; and it aims at an objective of complete elimination of nuclear weapons. As far as India is concerned, these are principles that should be taken forward through the negotiation of a nuclear weapons convention. We would like to recall in this context the proposal made by the Group of 21, which India was happy to join last year, as contained in document CD/1999. Mr. President, let us for a moment focus on two agenda items of the Conference which are relevant to our work. We have agenda item 1, which is the cessation of the nuclear arms race and nuclear disarmament, and agenda item 2, which is the prevention of nuclear war, including all related matters. In my country's view, this was the view expressed and supported by a number of countries when the agenda was drawn up as a consequence of, and subsequent to, the Final Document of the first special session of the General Assembly on disarmament. Agenda items 1 and 2 are not mutually exclusive; they are, in fact, complementary. In our view, the negotiation of a nuclear weapons convention in the Conference on Disarmament, which is the appropriate forum for taking forward such discussions, would fall under agenda item 1. Agenda item 2 refers to the prevention of nuclear war, including all related matters. For example, the proposal made by India for the negotiation of a convention on the prohibition of use of nuclear weapons would fall under agenda item 2. In our view, agenda item 2 is not contradictory, or mutually exclusive, with agenda item 1; therefore, efforts should be taken forward in parallel, if necessary, but in a mutually reinforcing manner. I wish to refer to the comment you just made with respect to creating momentum. The international community can gain from momentum anywhere under agenda item 1 or agenda item 2. Therefore, to come back to the point that Ambassador Kmentt made previously in response to the Indian proposal for a convention on the prohibition of use of nuclear weapons, taking measures to prevent nuclear war — which is consistent with the humanitarian objective of nuclear weapons — is not mutually exclusive of efforts to eliminate nuclear weapons. Therefore, we find it hard to understand why proposals under agenda item 1 can receive the support of States, but reinforcing proposals under agenda item 2 receive from the same States a different sort of response.

Having said that, we would like to return to the statement by the Ambassador of Costa Rica. While the details of the Model Nuclear Weapons Convention would, of course, be the subject of negotiations, we believe that the model itself of a comprehensive convention — one that is universal and one that has been tested and tried elsewhere, including in the Chemical Weapons Convention — should be an inspiration for all those interested in taking forward nuclear disarmament in a global and non-discriminatory manner.

The President: I thank the Ambassador of India for his comments and, in particular, for advancing the kind of discussions that we must have when, or if, we start negotiating by adopting the programme of work tomorrow. The scope of such a convention, or conventions, in all the agenda items is one of the most important initial discussions that a negotiation should have. This is the kind of discussion that is meaningful and essential for a negotiation process. I thank you for bringing these concepts to the floor. I would now like to give the floor to the Ambassador of the United Kingdom.

Mr. Rowland (United Kingdom): I have listened to both presentations and the ensuing discussion and have the following comments. Many have argued with great

force that devastating humanitarian consequences could result from the use of nuclear weapons. The United Kingdom agrees. The point, however, and as has been picked up by a number of those who have spoken this morning, the point is not new. It was written into the preamble of the Treaty on the Non-Proliferation of Nuclear Weapons in 1968 and captured in the outcome document of the first special session on disarmament in 1978. The question is: what conclusions can we draw? The view of the United Kingdom is that the utmost importance must be given to avoiding any use of nuclear weapons, preventing the spread of nuclear weapons and nuclear technology and keeping nuclear weapons safe and secure. The United Kingdom is very active in all these areas. That is why we are working hard, and will continue to work hard, to ensure a successful Nuclear Non-Proliferation Treaty Review Conference next spring. We call on all other States parties to do the same. The United Kingdom agrees that we must also pursue the goal of a world without nuclear weapons, and we are active here, too. Some have argued that the way to this goal is to ban nuclear weapons now or to fix a timetable for their elimination. The United Kingdom considers that this approach fails to take account of, and therefore jeopardizes, the stability and security which nuclear weapons can help to ensure. A declaratory ban or a timetable not underpinned by the necessary trust, confidence and verification measures would jeopardize strategic stability. None of us would gain from the loss of that stability. Let me underline that the United Kingdom believes that the United Nations disarmament machinery and the Non-Proliferation Treaty provide the right forum for working towards a world without nuclear weapons, taking full account not only of the devastating humanitarian impact which could result from the use of nuclear weapons but also the stability and security which nuclear weapons provide. We will work to create the conditions in which nuclear weapons are no longer needed; we will also maintain a credible, minimum nuclear deterrent for as long as it is necessary. The tendency has been, and we heard a little bit of this in Ambassador Kmentt's comments earlier, to present the situation as if no progress on disarmament has taken place, that there have not been concrete and credible steps. To our mind, that simply is not true. The United Kingdom believes that the step-by-step approach to disarmament is the only way to combine the imperatives of disarmament and maintaining global security. Progress is difficult, but it is possible.

The United States and Russia have reduced their weapons stockpiles massively. The United Kingdom has reduced its number of warheads — from around 460 at its peak — and only last week we were able to announce a further step had been taken on the road to our own disarmament. In 2010, the Prime Minister announced that we had reviewed our nuclear deterrent requirements and that he had concluded we could deliver a credible nuclear deterrent with a smaller nuclear weapons capability; and that we would incorporate these reductions into our current deploy capability in a future, successor, deterrent programme. The number of deployed warheads on each submarine will be reduced from 48 to 40; the number of operational missiles in those submarines would be reduced to no more than 8; and we would reduce the number of operationally available warheads from fewer than 160 to no more than 120. I am pleased to inform the Conference on Disarmament that, last week, it was announced to our Parliament that this commitment has now been met and that, as a consequence, all the submarines on continuous at-sea deterrence now carry only 40 nuclear warheads and no more than 8 operational missiles. We have, therefore, achieved our commitment to reduce the number of operationally available warheads to no more than 120. So, I defy those who say that there have been no concrete steps on nuclear disarmament.

As for the next step — and I think we are going to come and talk about this next — it is clear to us that the next step is a fissile material cut-off treaty. Whatever approach you espouse, whether that is a convention, whether it is step by step, it is

clear that stopping the production of the material from which nuclear weapons are made must be an essential first step, and I look forward to what our colleagues have to say on this issue.

The President: I thank the Ambassador of the United Kingdom for his comments. Indeed, I think there is a general recognition of the reductions made in stockpiles, but the question is whether this forum, which is for multilateral negotiations, can be substituted by unilateral or bilateral reductions and whether this forum has failed in producing the multilateral negotiations that ought to take place, which was the raison d'être for the establishment of the Conference on Disarmament.

Are there any other requests for the floor? I give the floor to Algeria.

Mr. Khelif (Algeria) (*spoke in Arabic*): Mr. President, I should first like to thank the representatives of Austria and Costa Rica for their presentations on nuclear disarmament and the humanitarian impact of nuclear weapons. The two issues are clearly interrelated in view of the lethal threat posed by nuclear weapons to humankind as a whole. The inherent danger of nuclear weapons and the need to eliminate them from States' policies and nuclear arsenals is not a new issue. Everyone here knows that the very first resolution adopted by the United Nations General Assembly, in London, called for the elimination of nuclear weapons and other weapons of mass destruction, not because of the threat posed by any failure to keep them safe and secure, but because they are inherently hazardous on account of their devastating impact. We must therefore all work together to eradicate them. The argument that nuclear weapons do not pose a threat if they are properly secured is inconsistent with the logical approach, which recognizes that nuclear weapons threaten and jeopardize the lives of humankind as a whole.

Allow me to say how surprised I was by the comment that nuclear weapons provide strategic stability. I fail to understand how such weapons, which, according to the resolution adopted by the General Assembly at its first special session on disarmament in 1978, threaten the very survival of humankind, can help to promote strategic stability. Let us not forget that the Secretary-General of the United Nations stated in his message to the Conference at the beginning of the session that the need for progress in nuclear disarmament is greater than ever, especially in view of the reliance of the nuclear Powers on policies of nuclear deterrence that pose a threat to humankind.

I took the floor merely in order to highlight this point. Perhaps we may be provided in our future discussions on nuclear disarmament with a clearer explanation of how such weapons can constitute a factor conducive to stability. For if nuclear weapons are a factor conducive to strategic stability and security, why have we not awarded them the Nobel Peace Prize for promoting stability and peace?

The President: I thank the representative of Algeria for his comments. I would like to offer the floor to the Ambassador of Costa Rica for her concluding remarks, if she so decides, but before I do that, I would like to see whether there are any other requests from the floor. I see none.

Before I offer the floor to the Ambassador of Costa Rica, let me just point out what I have observed in the discussion of the two topics, the two presentations. I have noticed a common theme — far from an agreement, but a common theme — and that is the question as to whether the threat posed to the international community from nuclear weapons lies in use or in possession. I think that has been a recurring theme in the discussions on both topics, and maybe this is something that we could continue discussing informally — and at some point formally — after adoption of the programme of work.

I now offer the floor to the Ambassador of Costa Rica for some final comments before we move to the next speaker.

Ms. Whyte (Costa Rica) (*spoke in Spanish*): My delegation welcomes the observations made in this forum regarding our proposal, its appropriateness and the momentum for starting multilateral negotiations on a comprehensive, legally binding instrument for the elimination of nuclear weapons. Costa Rica considers that the time is ripe. The processes are interconnected, and we are now called upon to respond to the moral, legal and political imperatives and embark on negotiations. For that, it is important to have a proposal, a platform for multilateral negotiations. Humankind has made quantum leaps in technological innovation over the past 50 to 60 years and we need to continue that progress. These innovations need to be reflected as well in our security doctrines. In the multilateral sphere, we must move decisively to respond to the moral imperative and our debt to this and future generations by providing a political and legal platform capable of creating a world free of nuclear weapons.

The Costa Rican delegation affirms its resolve to move forward and continue the discussions and exchanges on the possibility of beginning negotiations on a comprehensive, legally binding instrument.

The President (*spoke in Spanish*): On behalf of the Conference, I wish to thank the Ambassador of Costa Rica for the presentation she gave

(*spoke in English*)

and all those of you who participated in this discussion as well.

Let us move on to our next speaker, Ambassador Jean-Hugues Simon-Michel of France, who will speak about a fissile material cut-off treaty.

Mr. Simon-Michel (France) (*spoke in French*): Allow me to begin, Mr. President, by thanking you for this opportunity to discuss issues that could contribute to the launch of negotiations on the substantive matters of the Conference on Disarmament's agenda.

Like the other member States, France would like to see the Conference on Disarmament become an active player. Today I wish to refer specifically to an issue that is a priority for France and for many other delegations, and that is the launch of negotiations on a treaty banning the production of fissile material for nuclear weapons, or a fissile material cut-off treaty (FMCT). The negotiation of such a treaty in the Conference is a long-standing commitment of the international community, having been proposed in the Final Document of the 1995 Nuclear Non-Proliferation Treaty (NPT) Review Conference. This commitment was reaffirmed in United Nations Security Council resolution 1887 (2009) and also in action 15 of the plan of action adopted by consensus at the 2010 Review Conference. The launching of these negotiations without further delay and in line with document CD/1299 and the mandate contained therein is our highest priority. We must act coherently vis-à-vis the commitments we made at the 2010 Review Conference. We have to keep our word.

The negotiation of an FMCT responds to the need to build a safer world for all and the need to lay the groundwork for a world without nuclear weapons in a way that promotes international stability and respects the principle of undiminished security for all. France believes that these efforts should form part of a realistic approach of specific and progressive action in accordance with article VI of the Nuclear Non-Proliferation Treaty.

The Comprehensive Nuclear-Test-Ban Treaty, by prohibiting all nuclear-weapon-test explosions or any other nuclear explosion, aims to impede the development and qualitative improvement of nuclear weapons and halt the development of new

advanced types of weapons. An FMCT represents the next logical step as it would allow for a quantitative approach to be adopted vis-à-vis nuclear arsenals, which is critical to continued international nuclear disarmament efforts. Like the Comprehensive Nuclear-Test-Ban Treaty, an FMCT would be intended as a universal treaty. Given that the objective of an FMCT is to pursue nuclear disarmament and arms control, all nuclear-weapon States would have to accede to the future treaty and participate fully in its implementation.

In 2014, we engaged in some very fruitful discussions here in the Conference under the leadership of the German Ambassador, my neighbour Michael Biontino. Unfortunately, those discussions were informal and so no official record was prepared. Since then, more in-depth work has been conducted within the framework of the Group of Governmental Experts under the chairmanship of the Canadian Ambassador, Elissa Golberg, who spoke earlier on, and whose work I would like to commend once more.

The governmental experts, including myself, have set out their position in detail for the very first time. Never had we gone so far. Before attempting to seek compromise, everyone's position must first be clear to everyone else. That way, the points of divergence can be kept to a minimum and it is easier to secure mutual concessions once final negotiations begin. The headway made thus far shows that this matter is ripe for action; indeed, it is quite likely the only one on which tangible progress can be made.

I would like to express again my appreciation to the Canadian Ambassador, Elissa Golberg, for her efforts. She presided over the work of the Group of Governmental Experts and, although she is leaving the Conference on Disarmament today, she will remain in the Group. Her tireless efforts, her own and her team's preparation of the working group sessions and her negotiating skills have been essential to the success of the Group's work.

France considers that the main objective of an FMCT should be the closing down of facilities that produce fissile material for nuclear weapons. This may sound obvious given that this wording is so close to the title of the treaty. The idea is to halt, through a treaty that is legally binding on all nuclear-weapon States and as from a fixed date, the production of fissile material for nuclear weapons and other nuclear explosive devices. Existing stockpiles are thus not covered in the scope of the treaty.

We are of the opinion that the material to be covered under a future FMCT should be in line with the treaty objectives. The treaty should therefore concern only unirradiated fissile material capable of being directly used for producing nuclear weapons in accordance with the definitions of the International Atomic Energy Agency, namely uranium enriched in the isotope U-235 or U-233 to more than 20 per cent and separated plutonium containing 80 per cent or more of the isotope Pu-238. Needless to say, the treaty must not prohibit the production of fissile material for different types of civilian uses or for non-explosive military purposes, such as nuclear propulsion. The production of fissile material in our view must therefore be defined in a manner that includes the processes which could be used to make this material.

The production facilities concerned — another concept requiring definition in the treaty — would therefore include all facilities that reprocess irradiated nuclear material and all uranium enrichment facilities whose production capacity is substantial in terms of the objective of an FMCT.

For France, the idea of irreversibility is central to an FMCT. For these measures to be effective and credible, they must be followed by the dismantling or conversion of the production facilities in a manner that is irreversible. France has not waited for the start of negotiations on an FMCT to commit itself to this path: it is the only State

to have already irreversibly closed and dismantled all its facilities that produced fissile material for nuclear weapons. This entailed a considerable financial undertaking of 6 billion euros and posed a challenge in terms of implementation and expertise. France has organized numerous visits to its facilities for representatives of the more than 40 member States of the Conference, non-governmental experts and international journalists.

France continues to call for an immediate moratorium on the production of weapons-grade fissile material, and it observes such a moratorium itself. Ultimately, the implementation of an FMCT will hinge on having a credible verification regime that provides sufficient assurances that treaty obligations will be respected while satisfying the two basic principles of protecting national security interests and prohibiting the divulging of confidential information on nuclear weapons in accordance with nuclear-weapon States' obligations under article I of the Nuclear Non-Proliferation Treaty.

To be credible, a verification system must achieve three main objectives: certify the closure of dedicated means of production up until dismantlement or conversion to civilian purposes; prevent the diversion of fissile material from civilian to military uses; and address suspected activity prohibited under the treaty. The International Atomic Energy Agency, because of its unparalleled experience, would in our view have a central role to play in the implementation of such a verification mechanism.

Having outlined all those points, I would like to turn to the matter of the approaches taken to the discussion and negotiation of this subject in the Conference. The negotiation of an FMCT, if it is to be credible, only makes sense if all existing nuclear-weapon States are involved and if it is conducted within a framework based on the rule of consensus, so that each country's security interests are taken fully into account.

The fact that the issue of an FMCT was included in the Conference's expanded schedule of activities in 2014 is a positive step. As I mentioned earlier, a mandate has been given to the Group of Governmental Experts and this mandate is being fulfilled. But that of course does not preclude us from continuing our work within the Conference.

France and 166 other States supported resolution 67/53 at the sixty-seventh session of the United Nations General Assembly. This resolution mandated the aforementioned group of 25 governmental experts to make recommendations. That is why we believe the Group of Governmental Experts is a welcome addition that should help pave the way for the final negotiation of an FMCT.

The Group has just completed its third session of work. Many participants agreed that more had been said about an FMCT during three sessions of this Group than during the previous 30 years in the Conference on Disarmament. The Group has made unprecedented progress. Points of convergence have emerged. All these discussions, both within the Group of Governmental Experts and in 2014 in the Conference, show that the issue has taken on a new and higher profile. Now more than ever before, the negotiation of an FMCT is within reach. That is why we believe it is crucial to make continuing our discussions on this issue at the Conference this year a real priority.

The President: I thank the Ambassador of France for his presentation and, since it will be about the same topic, I would now like to give the floor to Ambassador Robert Wood of the United States of America, who will also speak about a fissile material cut-off treaty.

Mr. Wood (United States of America): Mr. President, as colleagues here are well aware, the United States stands ready to begin negotiations on a fissile material cut-off

treaty (FMCT), the next logical — and necessary — step in creating the conditions for a world without nuclear weapons. It has been frustrating to watch the Conference on Disarmament remain deadlocked over this issue, but negotiation of such a treaty is an essential prerequisite for global nuclear disarmament. In recognition of this fact, action 15 of the 2010 NPT Review Conference action plan included an agreement that the Conference should begin immediate negotiation of an FMCT. Indeed, this step has been repeatedly endorsed by the international community, including multiple NPT Review Conferences and as far back as the first session of the General Assembly devoted to disarmament, in 1978.

In 2009, this Conference reached consensus on document CD/1864, to commence FMCT negotiations as part of a balanced programme of work. And yet, sadly, now nearly six years later, the Conference has yet to begin such negotiations. All those who share the priority goal of nuclear disarmament should also acknowledge that we cannot achieve that priority goal without taking this first step of capping fissile material production for use in nuclear weapons.

Allow me to outline some of the parameters for an FMCT that we have identified previously in multiple Conference plenary sessions, formal informals, informal informals and technical discussions on the margins over the years. We have valued the contributions of such discussions that have allowed us to do our homework on an FMCT, and in that spirit are engaging fully in the meetings of the Group of Governmental Experts with a view to providing further impetus to long-sought FMCT negotiations in the Conference.

Against this backdrop, I can think of no other disarmament measure for which the groundwork has been better prepared. In fact, we are ready for the "final examination", that is, the conduct of negotiations. There is no, I repeat no, technical obstacle to the commencement of negotiations.

In such a negotiation, we will need to address the definitions, scope and verification arrangements for an FMCT. Allow me to recap the United States positions on these treaty elements. In formulating our positions on the substance of the treaty, our shared goal is a non-discriminatory treaty that halts the production of fissile material for use in nuclear weapons and is internationally verifiable.

The purpose of an FMCT, in our view, is to ban the production of fissile material for use in nuclear weapons or other nuclear explosive devices. For this reason, we have suggested a definition of fissile material aimed at capturing material that could be used to make such weapons. It corresponds to the standard International Atomic Energy Agency (IAEA) definition of "direct use material". It is important to note that there are legitimate civilian and military uses for fissile material — as would be defined under an FMCT — other than nuclear weapons or other nuclear explosive devices. The treaty will need to take such uses into account.

Further, our definition of "production" captures the processes by which material directly usable in weapons — what IAEA calls "unirradiated direct use material" — is created. The processes that produce materials directly usable in weapons are primarily: isotopic separation of uranium, or enrichment; and chemical separation of plutonium from irradiated nuclear material, otherwise known as reprocessing. No one is arguing that you can make a weapon directly out of spent nuclear reactor fuel.

Our suggested verification approach would be based on monitoring facilities designed or used to produce fissile material, mainly enrichment and reprocessing facilities, and accounting for any newly produced fissile material. It is tied directly to the expected basic understanding of an FMCT and these basic definitions. Our approach aims at balancing implementation costs with meeting the object and purpose of the treaty. This structure for an FMCT is aimed at complementing the Treaty on the

Non-Proliferation of Nuclear Weapons (NPT): we do not foresee additional verification obligations under an FMCT for an NPT non-nuclear-weapon State with a comprehensive safeguards agreement in place and supplemented by an additional protocol.

We believe that the verification system of an FMCT ought to be spelled out in the treaty and tied closely to the basic understandings of the treaty. IAEA is best suited and should be responsible for carrying out monitoring and inspections. Many of the measures needed for FMCT verification have already been developed in the context of IAEA safeguards; we do not advocate reinventing these tools. Procedures, such as managed access, will need to be developed for both routine and non-routine inspections. In all cases, verification procedures would have to take care to protect confidential or sensitive information.

Regarding the scope of an FMCT, the United States position is well known: FMCT obligations, including verification obligations, should cover only new production of fissile material. We believe existing stockpiles should be dealt with separately, through other agreements or voluntary measures. We have already undertaken many such measures, both unilaterally and with Russia, and are also working with IAEA on appropriate verification. Attempting to address stocks multilaterally and linking them to a cut-off of new production will only complicate efforts on both aspects of the fissile material problem. We acknowledge, of course, that the scope of the treaty will be settled in the negotiations, consistent with the Shannon mandate.

Theoretically, one could design a narrower set of FMCT obligations, but this would raise concerns as to whether the objectives of the treaty would be satisfied. Failure to constrain or verify production of material that is readily usable in nuclear weapons would create opportunities to circumvent those objectives. Conversely, one could design a treaty with broader scope and broader verification requirements, but this would be much more difficult to negotiate and more costly, without any true increase in effectiveness.

Thank you, Mr. President, for allowing us another opportunity to share the broad outlines of our thinking on an FMCT. Of course, as I indicated, there are a multiplicity of issues and details that can only be worked out in an actual negotiation. We regret that this sole standing forum for disarmament negotiations still has not undertaken this long overdue step. The United States will continue to urge negotiation of an FMCT in this body, convinced that FMCT negotiations at the Conference will provide each member State the ability not only to protect but also to enhance its national security.

The President: I thank the Ambassador of the United States of America for this presentation.

Would the Ambassador of Germany like to speak on a fissile material cut-off treaty? No? Later on, then.

Now, I would like to open the floor for comments, but before I do that, may I be allowed to make a commercial? I would like to remind you that the draft programme of work that we submitted yesterday contemplates, as well, negotiation of a fissile material cut-off treaty, and the schedule that is an integral part of the draft provides for the possibility of benefiting from the deliberations of the Group of Governmental Experts. That is it, as far as the commercial is concerned.

Now, I would like to offer the floor to Belarus.

Mr. Grinevich (Belarus) (*spoke in Russian*): I, too, would like to thank the Ambassador of France and the Permanent Representative of the United States of America to the Conference on Disarmament for their excellent statements on the issue

of a fissile material cut-off treaty. Speaking in a personal capacity, I would like to point out the considerable progress made over the past 10 years concerning the scope of the future treaty, as 10 years ago not all countries supported the idea of verification under such a treaty.

With regard to Mr. Simon-Michel's statement that it would be unadvisable for current stockpiles to be included in the scope of the future treaty, the following proposal could be useful for our subsequent negotiations if we adopt the programme of work tomorrow, as I sincerely hope we shall. It might be a good idea to invite interested delegations to prepare a working paper for the Conference clearly explaining the different approaches. The text could be issued in the form of a brochure to serve as a reference on the positions in favour of including fissile material within the scope of the treaty and, for those opposing the idea, why they consider it undesirable to include current stockpiles under the treaty, the latter being the view expressed by Ambassador Golberg this morning. Such a paper would be enlightening and would help many delegations to gain a better understanding of the issue and major points of contention and to articulate clearly their positions on this issue.

The President: I thank you for your comments and for your suggestions as well.

I give the floor to the Ambassador of India.

Mr. Varma (India): We would like to thank the Ambassadors of France and the United States for putting forward their perspectives on the negotiation of a fissile material cut-off treaty (FMCT) in the Conference on Disarmament, an objective that India fully supports. We support the early commencement of substantive work in the Conference on the basis of a programme of work that includes negotiations on such a treaty, and we thank you for including in your draft programme of work precisely this possibility of the negotiation of an FMCT in the Conference on the basis of document CD/1299 and the mandate contained therein. The reason that India supports the negotiation of such a treaty is not because this treaty has been supported in another treaty body or in another United Nations set-up, but the fact that India was able to support the first consensus resolution in the General Assembly, contained in Assembly resolution 48/75 L. That resolution defines with clarity the common understanding of the basic objective of the treaty, which was reconfirmed by the Shannon report in document CD/1299, and that is to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

My country's support for FMCT negotiations in the Conference is consistent with our interest in strengthening the global non-proliferation regime; and it would provide a measure of strategic predictability and a baseline for future global nuclear disarmament efforts. Given this objective and given the Conference's vocation as a negotiating body, it is essential that all relevant countries participate in these negotiations in the Conference and contribute towards a successful outcome. India is participating in the Group of Governmental Experts on a fissile material cut-off treaty established pursuant to General Assembly resolution 67/53. We consider that the Group's work amounts to neither pre-negotiations nor negotiations on an FMCT. Those should take place in the Conference on the basis of the agreed mandate. India supports the Conference as the world's sole multilateral disarmament negotiating forum, and we hope that the Conference will redouble its efforts under your leadership to enable it to commence substantive work at an early date.

Let me, at this stage, pay tribute to Ambassador Elissa Golberg as she leaves on promotion for higher responsibilities in her Government, both as a colleague here in the Conference and as the Chairperson of the Group of Governmental Experts, a task

that she has discharged with great energy, leadership and great professionalism. We will, of course, miss her in the Conference on Disarmament.

Mr. President, let me return very briefly to the point that you very aptly summarized on the possession of nuclear weapons and the use of nuclear weapons. It has been the consistent view of India that progressive restraints on the use of nuclear weapons, in fact, further the objective of nuclear disarmament by decreasing the military utility of nuclear weapons and contributing to their progressive delegitimization, which will pave the way in a step-by-step process for their eventual elimination. This is not a new insight. This has been done for chemical and biological weapons and we see no reason why nuclear weapons should not also proceed on that basis.

To summarize, we see that restraints on the use of nuclear weapons are complementary and reinforce the final objective of the elimination of nuclear weapons, including restraints on possession. What we do not understand is why some of the countries which support restraints on possession are so averse to considering restraints on use. The humanitarian debate is about the effects of nuclear weapons, about the use of nuclear weapons. Now, when the debate is framed in such a manner, we fail to understand why some countries, not all, are unwilling to consider restraints on use, in any form. One of the proposals on the table which we would like to have considered under agenda item 2 is the convention on the prohibition of use of nuclear weapons. We fully understand that this may not be the only proposal — in fact, there should be other proposals — but the inability and the unwillingness to consider restraints on use, while focusing exclusively on restraints on possession, creates a credibility gap that we have been trying to highlight. Of course, we will remain open to dialogue, including in this forum, and we hope that, as we proceed along the discussion on an agreed programme of work, the Conference will provide a professional setting in which we can discuss these questions in greater depth.

The President: I thank the Ambassador of India. I am definitely looking forward to those discussions after the adoption of the programme of work.

(*spoke in Spanish*)

I would now like to give the floor to the Ambassador of Spain.

Mr. Herráiz (Spain) (*spoke in Spanish*): As this is the first time I am addressing the plenary of the Conference on Disarmament during your presidency, I would like to take this opportunity to thank you for all your efforts, Mr. President, and to congratulate you on your appointment and assure you of our full support. Your work in bringing your proposal to us yesterday is especially appreciated.

We will follow the order of business you have proposed and not discuss the programme of work until tomorrow. I would, however, like to mention that text if only to point out that the proposal, as you noted earlier, in effect expressly incorporates the Shannon mandate and document CD/1299 in reference to the fissile material cut-off treaty (FMCT) that we are currently considering. I bring this up in relation to our discussion about the readiness of the various items before the Conference, in express recognition of the fact that this item of our agenda is more ripe for treatment than others.

There is also the consensus from 2009 and document CD/1864, which we were ultimately unable to implement but whose degree of readiness clearly indicates that an FMCT is now the next natural, logical step. When I sometimes try to explain to my son what we do in the Conference, going into some detail since he is almost a teenager, I use the example of a flood. First, you have to deal with the situation until the rain stops, hoping all the while that the tap that someone has left running will be

turned off. The initial emergency response required in our context, then, would be to cut off the production of weapons-grade fissile material.

This line of thinking was expressed as well by my colleagues from France and the United States, who referred insightfully to the quantitative aspect that must complement the qualitative aspect addressed by the Nuclear-Test-Ban Treaty. That should thus be the top priority in our work. We have a very broad pool of expertise, namely the Group of Governmental Experts, and I take this opportunity once again to express my gratitude to Ambassador Golberg for her efforts. We have a very rich corpus of reflections to which Spain has contributed, as have you, Mr. President, with the contribution made by the Mexican delegation in 2011 to the preparation of such texts as document CD/1910 on definitions, scope and verification.

Spain has also taken part in the drafting of documents on the entry into force, duration and other legal aspects of an FMCT. We face a complex discussion, a debate that will require imagination, creativity and flexibility so that our commitment to negotiate an FMCT may strengthen the non-proliferation regime — and perhaps also the disarmament process — as part of a process that will certainly be complex but will be one which, if undertaken along these principles of imagination, creativity and flexibility, will, I hope, help us to succeed in our work.

The President (*spoke in Spanish*): I thank the Ambassador of Spain for his observations and, especially, for that metaphor, which I am going to try. The truth be told, I have never been able to explain to my children what I do. I tell them I carry a briefcase, I make telephone calls, I speak in meeting rooms, but I have not been able to get any further than that. I look forward to seeing if your metaphor works!

(*spoke in English*)

I would now like to give the floor to the representative of Chile.

Mr. Guzmán (Chile) (*spoke in Spanish*): I apologize for taking the floor once more, Mr. President, but please allow me to refer back to the statement made by the Ambassador of the United Kingdom to say that I agree with him on the matter of unilateral reductions. However, this is a multilateral conference and it has a clear negotiating mandate, which we see reflected in the working document you have presented. In my country's opinion, nuclear weapons are a political rather than a military device: it makes no difference whether it is one nuclear weapon or a thousand nuclear weapons. Their deliberate use goes against all the rules of war and humankind as a whole.

In respect of what has been said here about the stability provided by nuclear weapons, allow me to refer to a statement made by an ambassador during the meetings on negative security assurances, which were presided over by the Chilean Ambassador in 2014. In one of the statements, it was clearly stated that a nuclear weapon's greatest attribute was its destructive power. The capacity to destroy an entire city runs counter, in our humble opinion, to the basic rules of humanity and the concept of stability itself. Such a deterrent capacity, we believe, goes beyond what is reasonable and also beyond the military sphere. The stepwise approach imposed by countries interested in slow or no progress is therefore increasingly removed from a world that left the cold war behind many years ago. I would thus like to once again express my support for the proposal of Costa Rica and Malaysia and the humanitarian approach: these proposals have no other aim than to provide assurances to many, rather than just a few. Chile therefore supports the launch of negotiations on fissile material. We also stress the need to evaluate the possibility of eliminating existing stockpiles. Chile would prefer starting from the approach of nuclear disarmament, namely providing assurances to all rather than just a few.

The President (*spoke in Spanish*): I thank the representative of Chile for his comments.

(*spoke in English*)

I now give the floor to the representative of Pakistan.

Mr. Jadoon (Pakistan): We thank the Ambassador of France and the Ambassador of the United States for their very eloquent presentations on a fissile material cut-off treaty. Their arguments and eloquently and elegantly presented rationale are, of course, well known. So, let me also take this opportunity to briefly repeat and recall our views on this matter and then follow up with a question.

Mr. President, on the issue of fissile material, the well-known position of Pakistan remains unchanged. Pakistan cannot join the start of negotiations on a treaty that only bans the future production of fissile material. Such a "cut-off only" treaty would merely serve to perpetuate the status quo and the preferential position and strategic advantage enjoyed by some States at the cost of other States' security. It has a direct national security implication for Pakistan. The Shannon report, contained in document CD/1299 and its so-called "constructive ambiguity", is neither acceptable nor valid as the negotiating mandate. The future treaty's scope will have to address the existing asymmetries and contribute both to vertical non-proliferation and nuclear disarmament, along with horizontal non-proliferation. A discriminatory approach is not going to work. The sooner we accept this reality, the greater the chances of making some progress on this issue on the basis of a new negotiating mandate that is consistent with the interests of all Conference members. This cannot be swept under the carpet in the vague hope that somehow, miraculously, these concerns would be addressed during negotiations. They have to be tackled up front before the start of negotiations. In any case, we must not allow the lack of consensus on one issue to keep the Conference from conducting negotiations on other issues on its agenda.

Nuclear disarmament is the raison d'être of the Conference on Disarmament and a matter of the highest priority for a large number of States, including Pakistan. In our view, the establishment of a subsidiary body of the Conference with a mandate to negotiate a comprehensive convention on nuclear weapons should be our top priority. It would subsume a fissile material ban and negative security assurances in it. Besides nuclear disarmament, Pakistan remains ready to join the immediate commencement of negotiations in the Conference on a legally binding treaty to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons, as well as on the prevention of an arms race in outer space.

It comes as no surprise that the most ardent supporters of the "cut-off only" treaty are those States that have already declared unilateral moratoriums on the production of fissile material, after amassing hundreds and thousands of tonnes of such material — far in excess of their needs and which they now want to conveniently keep outside the treaty's scope. Of course, these States find equally ardent support from their allies living under the positive security guarantee of their nuclear weapons umbrella. In other words, those States are the ardent supporters that neither have anything to give up nor any impact on their security from a production moratorium or ban, unlike Pakistan, whose national security is directly impacted.

The story of the scope does not end with the non-inclusion or inclusion of stocks. As was revealed in the informal discussions in the Conference last year, it also extends to the other elements of the treaty, such as efforts to limit the scope of the definition by excluding certain fissile materials and efforts to limit the scope of verification by restricting it to certain fuel-cycle facilities and activities. The question I would like to pose is: why is there so much eagerness and enthusiasm to discuss treaty-related issues in a non-universal forum such as the Group of Governmental Experts, established

through a divisive General Assembly resolution, and not in the Conference on Disarmament, when last year's informal discussions clearly demonstrated their efficacy, especially given the fact that Pakistan and, resultantly, the consensus-based Conference will not be able to endorse or embrace the Group's outcome.

The President: I thank the representative of Pakistan for his statement and I give the floor to Australia.

Mr. McConville (Australia): I think we have heard a number of well-argued and very compelling commentaries on the benefit of the current Group of Governmental Experts process on a fissile material cut-off treaty (FMCT); and I would like to acknowledge Ambassador Elissa Golberg — who is, as we have heard this morning, on her way out — for her excellent work in leading that process. I would like to support the arguments that have been put forward by our French, United States, Indian and Spanish colleagues in relation to the opportunity that is currently before us. What we have had with the Group of Governmental Experts is, for a period of over 20 years, the most substantive technical discussion in relation to all the ingredients that would go into an FMCT. I think it behoves us in the Conference on Disarmament — when we are looking to make constructive and positive steps towards nuclear disarmament and engagement with a programme of work — to seize that opportunity that is before us. I take the point made by our colleague from Pakistan to the effect that not everybody is represented in the Group of Governmental Experts. But, really, this is the opportunity, this is the forum for us to provide those synergies, to provide the benefits of the outcomes that we have been able to generate and discuss within the Group and to look at ways that we can find common ground with the broader Conference membership. I really would like to throw that gauntlet down to all colleagues here and, of course, the States that would see their interests — their strategic interests — directly implicated in an FMCT to look at ways we can constructively look forward and discuss and potentially negotiate an FMCT. I think it really is an opportunity, as we have heard this morning, for us to seize. These opportunities will not always come knocking on our door.

The President: I thank you for your comments and I give the floor to the Ambassador of the United Kingdom.

Mr. Rowland (United Kingdom): I am almost beginning to enjoy this interactive debate.

I just wanted to pick up on a comment made by our Chilean colleague. I am very pleased that the words of the United Kingdom are so closely attended to, though I would note that the session to which the representative refers was of course an informal session. The point I made in the formal session today was that, while we fully agree that progress is needed on multilateral disarmament, we are not waiting around, we are getting on with disarmament and we have been for almost 20 years.

I also wanted to address the comment made by our Pakistani colleague, who referred to the resolution establishing the Group of Governmental Experts as being divisive. It may have divided the community, but I would say that it was the least divisive of all the resolutions concerning the four core issues on the Conference on Disarmament's agenda. If we look at the voting record, resolution 67/53 had 166 States supporting it and only 1 against. That is a voting pattern that is unmet in any of the other issues on the Conference's core agenda. So, I would dispute the issue that it is quite so divisive.

The President: I thank the Ambassador of the United Kingdom.

I gather that the Ambassador of Canada has finished her packing, because she is back and has requested the floor.

Ms. Golberg (Canada): Yes, I was able to get the movers out. I am glad that I came back and was able to catch the tail end of the discussion. I just wanted to come back to a comment that was made by the representative of Pakistan and, in this respect, I would say two things. First of all, as the representative of the United Kingdom noted, in fact the resolution at the General Assembly was adopted by 168 States, which is an overwhelming majority of United Nations Member States. But, irrespective of that and perhaps more importantly, the Group of Governmental Experts has been pursuing an agenda in the absence of our being able to pursue one here. The resolution that created the Group was clear that, were the Conference on Disarmament able to develop and adopt and implement a programme of work, those discussions in fact would have occurred in the Conference; and it is our fervent hope that that will be the case. The Group has, to date, pursued all of the relevant issues, in particular those which the delegate of Pakistan has expressed a keen interest in seeing pursued. Given that, I would hope very much that the delegation will remain open-minded and reflect carefully on the outcomes of the report that will be forthcoming and that we can all, collectively in the Conference, pursue a constructive approach so that we can make progress on all of the relevant issues. We should also be mindful of not establishing new preconditions. Such an approach is also contradictory to comments that delegations have been making in terms of their interest in pursuing, and ultimately succeeding, in negotiations that would see a comprehensive approach to nuclear disarmament.

The President: I thank you, Ambassador. The last speaker we have is Belarus, before I turn back to France and the United States, if they decide to take the floor again. I also see Algeria. So, Belarus, followed by Algeria. I give the floor to the representative of Belarus.

Mr. Grinevich (Belarus) (*spoke in Russian*): I apologize for taking the floor again in this segment of the debate. I am just trying to make our discussion more interactive. Concerning fissile material, various States and various groups of States hold different positions, but given that the Conference on Disarmament is a multilateral negotiating body, all positions must be respected. We would not otherwise be able to take a consensus-based approach.

As a preliminary assessment of the work of the Group of Governmental Experts on fissile material, I would agree with Pakistan in its assessment of the process. Everyone will recall how the General Assembly resolution that established the Group was adopted. It was adopted in great haste owing to bad weather in New York. Of course, my country will carefully study the report on the outcome of the Group's work, and we will be pleased if the report provides some added value. At the same time, we feel that discussion of this issue in a smaller group, with experts from only 25 countries, is a step backwards. Such a format works only for preliminary, initial phases of discussion of an issue: fissile material has been a subject of discussion for quite a long time. I remember the excellent discussions on this topic at the Conference in 2006 and 2007. Delegations can consult the verbatim records to see the progress made and the outcome of those discussions.

At this point, we can state simply that, in the midst of a global financial crisis, resources are being squandered. Funds allocated from the budget of the United Nations are being spent on a group that is discussing an issue which could very well be taken up by the Conference. As my country has always been opposed to separate, parallel negotiating processes, we support the view that at this stage the issue of an FMCT should be discussed in the Conference on Disarmament.

The President: I thank the representative of Belarus.

I am checking the weather for tomorrow. I am hoping for good weather. It might be rainy, but I hope that is acceptable for adopting the programme of work.

I now give the floor to Algeria.

Mr. Khelif (Algeria) (*spoke in Arabic*): I wish to begin by associating myself with the previous speakers in thanking the Ambassador of Canada not only for her work as the Chair of the Group of Governmental Experts on fissile material but also for all her efforts within the Conference and in other forums based in Geneva. We wish her every success in her private and professional life.

(*spoke in French*)

Allow me also to reaffirm the support of Algeria for the negotiation of a treaty banning the production of fissile material. We wish to thank the Ambassadors of France and the United States for having opened up this discussion on such an important issue for disarmament. The question of banning the production of fissile materials and all nuclear materials for military purposes is of course not new, and it is not solely linked to the Nuclear Non-Proliferation Treaty (NPT). The issue dates back much further, to the 1940s, to the last century, and it was at the heart of the discussions which led to the establishment of the International Atomic Energy Agency. In that regard, I would like to quote a passage from the "Atoms for peace" address delivered by the President of the United States of America, Dwight Eisenhower, to the United Nations General Assembly in 1953:

(*spoke in English*)

"The United States would seek more than the mere reduction or elimination of atomic materials for military purposes. It is not enough to take this weapon out of the hands of the soldiers. It must be put into the hands of those who will know how to strip its military casing and adapt it to the arts of peace."

(*spoke in French*)

That is the spirit in which Algeria conceives the objectives of the treaty that we have been discussing for so many years. Indeed, the question of a treaty banning the production of fissile material was one of the actions decided by the NPT Review Conference in 1995, but it should be recalled that this was part of a series of decisions concerning the negotiation of a fissile material cut-off treaty, the negotiation of a comprehensive nuclear test ban treaty and an express commitment by the nuclear Powers to embark on the path to disarmament by adopting systematic and progressive measures with a view to eliminating their nuclear arsenals. In my country's view, the conclusion of a fissile material cut-off treaty would have an impact: it is an instrument that covers not only non-proliferation but also nuclear disarmament. In that respect, the inclusion of stocks should form an integral part of the negotiations if we truly want this instrument to be an effective nuclear disarmament measure.

The President: I thank the representative of Algeria.

Distinguished colleagues, we have almost exhausted our business for today. This afternoon's session may not be necessary, unless you would like to continue the discussion.

Do I see any other requests for the floor? I recognize the Russian Federation. You have the floor, Sir.

Mr. Malov (Russian Federation) (*spoke in Russian*): It is my understanding that we were to discuss the items on the agenda. However, as far as I can gather, we have been dwelling on only one item, which directly concerns the so-called nuclear block, that is, nuclear disarmament issues. Does this mean that we will not take up the other

items on the agenda? If so, I would still like to make some comments on other agenda items. I also have another question: when will we have the opportunity to do so? If not today, will we be given such an opportunity tomorrow?

The President: As you might recall, Sir, last Friday we circulated an invitation for those who wanted to speak on any item to register themselves. Those who spoke today spoke about the topics on which they chose to speak and they registered in advance. We have had opportunities for general statements and opening statements and they have taken place. Now, if you wish, we can meet again this afternoon for the Russian Federation to speak but, since we are following an interactive format, you need to tell us what items you want to speak about, and whether you want us to meet this afternoon for discussing items. Tomorrow, as I have said several times, will be dedicated to the adoption of the draft programme of work.

Mr. Malov (Russian Federation) (*spoke in Russian*): We would not wish to burden our colleagues by taking advantage of such a privilege in order to have everyone gather here again to listen to what we have to say. I trust we will have an opportunity to put forward our position on other agenda items at another time.

The President: I thank the representative of the Russian Federation for his flexibility. I would now like to offer the opportunity to both France and the United States to take the floor.

Mr. Simon-Michel (France) (*spoke in French*): I would first like to express my delight at the great number of colleagues who have taken the floor, in some cases in great depth, about the issue of a fissile material cut-off treaty (FMCT). I take that as a sign of great interest in this topic, which is to be expected since it is a concrete issue. It is something tangible and far removed from the Byzantine and ideological debates that can lead to confusion.

I would like to respond to the suggestion made by our Belarusian colleague, Mr. Grinevich, in his first statement. He mentioned the idea of preparing a working paper in which the approaches and positions of different delegations would be clearly set out. I think that is an interesting idea. We already have such a document, which is almost two years old and was prepared by the United Nations Secretary-General pursuant to General Assembly resolution 67/53. If we repeated this exercise today, we would find that each other's respective positions have been fine-tuned. Not only have they been clarified, in some cases they have become more flexible. They have moved closer to each other. It would indeed be interesting to compare them. That is a job, Mr. President, for your successor, who, I hope, will soon preside over our negotiation of an FMCT, perhaps in June as I understand it.

I would also like to respond to a question that comes up regularly and which is a difficult one on which there are a myriad of points of view: that is the question of stocks. Myself, I use the term "existing stocks". It is not a very catchy term, and is reminiscent of the language used in business and supermarkets. I think it would be good to come up with a better way of phrasing it. I heard Elissa Golberg talk about "past production". This concept is better suited, because what we found in our work within the Group of Governmental Experts is that behind the word "stocks" there were all sorts of complex issues. Of course, experts are not all of one mind on this, but neither is there the kind of divide we witnessed in the past during our overly general discussions in this room. When we talk about stocks, there are in fact many questions that arise.

Numerous facets are involved. Firstly, there is the past production that has always been intended for civilian purposes. I do not claim that there is consensus on any of these issues, but the question concerning past production for civilian purposes is about how it would be handled under the verification mechanism. And then there is

production that was undertaken for military purposes but the State has taken a sovereign decision to switch it to civilian use. And then there is the issue of what is and will remain on the military side. That category includes material located inside weapons, and on that point I have not heard a single country, either within or outside the Group of Governmental Experts, call for that material to be covered. Everyone agrees that it lies outside the treaty. So, what is meant by "stocks" if it does not include that material? And then there are other materials that are not really part of weapons but raise several questions all the same. What happens with weapons that are not operational and not on submarines, for example? How should they be treated? Are they stocks or are they weapons? Do we not risk encouraging nuclear-weapon States to hold on to weapons that they categorize as non-operational? Do we not risk acting unfairly towards those who do not have such weapons sitting on the shelf? And here it is clear that verifying these weapons is close to impossible without coming up against insurmountable problems of proliferation.

I have gone on for too long and do not want to get into substantive issues. The idea that I am trying to get across is that this is a complex issue and, like any complex issue, when we break it down into more manageable chunks, it is always easier to identify what is truly a problem — what is really a dividing factor and what is perhaps less so — to come up with consensual solutions more easily. Still on the question of stockpiles, when we start to consider the substance of an FMCT, we see that, of course, it is an important matter, as can be seen from our many discussions, but it is not the heart of the treaty. The heart of the treaty is the principle of prohibition and a verification mechanism. By definition, the verification mechanism will focus on what remains authorized, which, by definition, is the material for civilian use. Therefore, it perhaps does not merit holding up the whole process.

Again, I just wanted to point out the fact that when you get to the heart of the matter, when you approach a concrete issue in a calculated fashion and stop focusing on the question of "what should we negotiate" and really start to negotiate, in short, when we come to grips with this specific mechanism, we always find solutions. The divisions are not insurmountable. I therefore believe that we should commit ourselves to taking that step.

The President: I thank the Ambassador of France and I would like to thank both the Ambassador of France and the Ambassador of the United States.

You wanted to come back again, Algeria? So, we will extend the plenary, or do you want to break for lunch? Two minutes, but two real minutes. You have the floor.

Mr. Khelif (Algeria) (*spoke in French*): Mr. President, I agree with the Ambassador of France. The question of stockpiles is a complex issue. When we get around to discussing that topic, we will encounter difficulties. However, it is a matter of principle. We must first decide on the principle; the technical issues will then be discussed during negotiations.

As you have invited us to have an interactive discussion, I would like to hear, since Algeria is unfortunately not part of the Group of Governmental Experts, the opinion of the French Ambassador on the subject of verification. If I have correctly understood his country's position, the verification system that it favours consists of a limited mechanism that focuses solely on nuclear facilities involved in the production of fissile material for nuclear weapons. From his point of view, is a mechanism of this sort able to prevent violations of the treaty? Will it, from the French perspective, be able to ensure that there will not be any diversion of nuclear material at civilian nuclear facilities outside of what is provided for by the treaty?

The President: I thank the Algerian representative. I wonder whether the French Ambassador would like to respond. If he does, then that would be the last speaker and

we will hold an afternoon session, because we have other speakers on the list. Ambassador, you have the floor.

Mr. Simon-Michel (France) (*spoke in French*): France supports an effective verification mechanism that leaves no doubt about whether the treaty is being applied in a manner that precludes any possibility of diversion. Perhaps I was not clear. My point is that verification should focus on activities that might create opportunities for diversion. The verification mechanism should therefore focus specifically on enrichment and reprocessing facilities. Enrichment and reprocessing facilities will continue to exist and, virtually by definition, these facilities will be for civilian purposes, since military production will be prohibited. Thus, verification must focus on civilian enrichment and reprocessing facilities, which are those at risk of diversion. This is not the only component of verification. In concrete terms, it means putting in place a verification mechanism that closely resembles the IAEA safeguards system in these facilities. But that should not be the only component of the verification mechanism. We must, of course, also ensure that arrangements are in place to monitor the respective materials for as long as they remain cause for concern, namely the monitoring of highly enriched uranium and separated plutonium for as long as they are unirradiated and not placed in a reactor. There is also a third component, but I do not wish to go into detail about it so close to the break for lunch. The third part of the verification process consists of ensuring that there are no undeclared enrichment and reprocessing production facilities; that would be a third aspect.

The President: I thank the Ambassador of France for his intervention.

I have a bit of a complication here. I understand that Ireland wishes to speak, Germany also wishes to speak and Russia made the point that they wish to speak. I know that the German Ambassador wants to make a general statement, so is that part of the interactive dialogue? For the interactive dialogue, I have requested a topic, so I would like to ask Ireland, Russia and Germany if they have a topic that they want to speak about in the interactive dialogue section, and we will do that in the afternoon, or if it is a general statement. If it is a general statement, we will conclude the interactive dialogue at some point and we will open a space for general statements. May I clarify first with the German Ambassador?

Mr. Biontino (Germany): It is about our approach for the programme of work, on the substance of the programme of work. That is what we are talking about here. If I understood you correctly, you want us to make a contribution in this interactive debate for the elaboration of the programme of work. I think that was the sense, and we would like to make a statement and possibly have a discussion on our substantive approach to the programme of work.

The President: There might be some confusion about that, because tomorrow is for the programme of work; that statement and that discussion will be relevant tomorrow. Today is for any issues on the agenda. It is not for the programme of work; it is for any issues on the agenda. So, is there any particular issue?

Mr. Biontino (Germany): Yes, I would like to cover the four core issues on the agenda, if that is possible.

The President: All right. I give the floor to Ireland.

Ms. O'Brien (Ireland): Our statement is of a more general nature but it does, of course, touch upon items on the agenda — in particular, items 1 and 2 — but I am not sure that I will be able to complete my statement in the time available, or in a reasonable time before lunch. So, we are in your hands.

The President: Thank you, Ambassador. I give the floor to the Russian Federation.

Mr. Malov (Russian Federation) (*spoke in Russian*): Our statement relates to a specific agenda item, which we consider a priority.

The President: I apologize for the confusion, but I thought that the circular note we sent out on Friday was clear enough: there was a deadline for inscription and that deadline was, I think, last Monday. But, of course, a certain measure of flexibility is welcome. So, the confusion derives from the fact that there was a deadline and, within that deadline, the speakers of this morning had inscribed themselves in a timely fashion. Having said that, and since we have a plan for a plenary session this afternoon, we will allow for an interactive dialogue in which the speakers will be Germany, Ireland and the Russian Federation. We will dedicate the dialogue this afternoon to these three speakers: Germany first — then we will open the discussion, followed by Ireland and then the Russian Federation.

I thank you for your contributions this morning. This meeting is adjourned but the next plenary meeting of the Conference will be held this afternoon at 3 p.m. The meeting is adjourned.

The meeting rose at 1.05 p.m.